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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,344	07/03/2002	Herbert A. Bankstahl	ITW7510.012	8345
33647	7590	06/28/2004		
ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (ITW) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097				
			EXAMINER FOX, JOHN C	
			ART UNIT 3753	PAPER NUMBER

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/064,344

Applicant(s)

BANKSTAHL ET AL.

Examiner

John Fox

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 and 18-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This action is responsive to the communication filed April 1, 2004.

Claims 9-13 and 18-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 1, 2004.

Applicant's election with traverse of Group I in the reply filed on April 1, 2004 is acknowledged. The traversal is on the ground(s) that the claims are of the form B<sub>sp</sub>, AB<sub>sp</sub>. This is not found persuasive because it is inaccurate. The combination claims not only set forth the further combination elements, *i. e.* the compressor, filter, separator etc. but require the manifold to be connected to these in a particular manner to obtain a particular function. The subcombination is thus more specific than the subcombination of the elected claims.

As regards the uses for the subcombination, it could be used for hot and cold water, hydraulic fluid, nitrogen, oil and vinegar, or a vacuum.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Soares.

Soares shows a manifold 20 which, when considered without the steam trap 10, includes inlet 21 and associated outlets 22 and 26, and inlet 23 with associated outlets 24 and 25. These can be characterized as main or auxiliary ports as one sees fit.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soares.

Soares shows port 23 as smaller than inlet 21 but not threaded as port 21 is shown. It is considered an obvious matter of design choice to provide threads at port 23 and use a threaded connection to the steam trap in view of the well known nature of threaded plumbing connections.

Inlet 23 and outlet 25 are shown almost coaxial. It is considered an obvious matter of design to make them coaxial for symmetry, for example.

Claims 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al in view of Stitz et al.

The recitation of "air compressor" is considered to be an intended use recitation and given no weight.

Warner et al show a lubrication manifold with a first inlet at 20, first outlet at 24, second inlet at 26 and second outlet at 30, with two auxiliary ports communicating with

the second flow passage for gauges 38, 40. Warner et al do not teach an auxiliary port communicating with the first passage, though.

Stitz et al show a lubrication system with a pressure sensor 27, see figure 8a, connected to the pump which provides high and low pressure control for the pump. The Stitz et al specification appears to be somewhat confused but there is a clear disclosure of the feature. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a pump and pressure control thereof in the system of Warner et al to provide the lubricant flow. It would have further been obvious to dispose the sensor in the manifold of Warner et al as at channel 90 since the other sensors are disposed on it and in view of the art recognized feature of manifolds of providing a compact and tidy assembly and reducing fluid lines and connectors. See Kerger, for example.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al in view of Stitz et al and further in view of Little et al.

Warner et al, as modified, show the claimed device except for a pressure relief valve. Little et al show another lubrication system with a pressure relief valve 15 protecting the manifold against overpressure. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have provided the manifold of Warner et al, as modified, with such a pressure relief valve to similarly protect the manifold against overpressure. It is further considered an obvious step to dispose such a relief valve on the high pressure side such as channel 90.


Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 703-308-2595. The examiner can normally be reached on Maximum Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherble can be reached on 703-308-1257. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John Fox  
Primary Examiner  
Art Unit 3753

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